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SO ORDERED 4/7/20

Alison J. Nathan, U.S.D.J.

By ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

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April 6, 2020

The deadline for post-trial motions is hereby extended to May 1, 2020. Any opposition shall be filed by May 15, 2020, and any reply shall be filed by May 26, 2020. No further extensions will be granted.
SO ORDERED.

Re: *United States v. Ali Sadr Hashemi Nejad*, Case No. 18-cr-224 (AJN)
Request for Extension

Dear Judge Nathan:

On behalf of Ali Sadr, we respectfully request an extension of time to file post-trial motions to allow us sufficient time to address certain disclosures the government has made after trial, including as recently as Friday evening, April 3, 2020. The deadline for post-trial motions is currently April 16, 2020. Dkt. No. 300. We respectfully request that the deadline be extended until Thursday, May 7, 2020, with the any opposition due June 8, 2020 and any reply due June 22, 2020. The government consents to this request.

So far, the government has made two post-trial disclosures in response to a March 24, 2020 letter from the defense. The government has indicated that those post-trial disclosures are not yet complete.

First, on March 31, 2020, the government disclosed a three-hour-and-thirty-eight-minute recording of a January 22, 2020 interview of the Project Manager of the Venezuela Project, Bahram Karimi, in which Mr. Karimi made multiple exculpatory statements that were not reflected in the roughly six pages of raw notes of the interview previously produced by the government. The government further disclosed that contrary to its representations to the Court and the defense, it received this recording several weeks before trial. Dkt. No. 303. On April 1, 2020, we requested additional information regarding the recording. Dkt. No. 304. The government plans to respond to the request this week.

Second, on April 3, 2020, the government disclosed for the first time two FBI 302s summarizing 2016 interviews of the former CFO and Director of PDVSA, Victor Aular, conducted by SAUSA Garrett Lynch and other members of the FBI and the DANY. Aular was responsible for, among other things, reviewing and approving the U.S. Dollar installment

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payments from DUCOLSA to Clarity or Stratus Turkey for the Venezuela project. The government's April 3 letter and disclosures are attached as Exhibit A. In summary, Aular stated that he was aware of U.S. sanctions against Iran, and this is why all contracts and payments went through legal review by PDVSA attorneys before any payments were made. Only after PDVSA attorneys ensured legality did Aular authorize the payments on the Venezuela project. Aular told the prosecutors that he did not think he had done anything wrong.

In the letter accompanying its disclosure of the Aular interviews, the government noted that it has not completed its response to our March 24, 2020 letter. Specifically, the government has been unable to access "a limited subset of files related to the DOJ-SDNY-DANY investigation of Commerzbank ... due to circumstances arising from the COVID-19 pandemic ... and will notify [us] when [its] review is complete." Moreover, the government's disclosure both fails to respond fully to several of the requests made in our March 24, 2020 letter, and raises new issues that will require follow up with the government and, if necessary, a motion to compel disclosure.

In light of the government's post-trial disclosures and ongoing discussions, we request that the deadline for post-trial motions be extended to May 7, 2020, with the government's opposition due June 8, 2020 and our reply due June 22, 2020. In accordance with the Court's Standing Order, we provide the following summary:

Original due date: April 16, 2020.

Number of previous requests for adjournment or extension: 0.

Disposition of previous requests: N/A.

Consent: The government consents to this request.

Date of next scheduled appearance: Aug. 17, 2020.

For the foregoing reasons, we respectfully request that the Court grant this extension and order the parties to follow this proposed schedule for the filing of post-trial motions.

Respectfully submitted,

/s/ Brian M. Heberlig

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cc: Counsel of Record (via ECF)